

Assembly Joint Resolution

No. 83

Introduced by Assembly Members Daucher and Goldberg

May 11, 2004

Assembly Joint Resolution No. 83—Relative to special education funding.

LEGISLATIVE COUNSEL'S DIGEST

AJR 83, as introduced, Daucher. Special education: federal funding.

This measure would memorialize the President and the Congress of the United States to provide the full federal share of funding for special education programs to the states so that this state and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate.

Fiscal committee: no.

1 WHEREAS, Congress enacted the Education for All
2 Handicapped Children Act of 1975 (P.L. 94-142), now known as
3 the Individuals with Disabilities Education Act (IDEA), to ensure
4 that all children with disabilities in the United States have
5 available to them a free and appropriate public education that
6 emphasizes special education and related services designed to
7 meet their unique needs, to ensure that the rights of children with
8 disabilities and their parents or guardians are protected, to assist
9 states and localities to provide for the education of all children with
10 disabilities, and to assess and ensure the effectiveness of efforts to
11 educate children with disabilities; and

1 WHEREAS, California is committed to providing a free and
2 appropriate public education and related services to children and
3 youth with disabilities, in order to meet their unique needs; and

4 WHEREAS, Since 1975, federal law has authorized
5 appropriation levels for grants to states under the IDEA at 40
6 percent of the average per pupil expenditure in public elementary
7 and secondary schools in the United States; and

8 WHEREAS, Congress continued the 40 percent funding
9 authority in Public Law 105-17, the Individuals with Disabilities
10 Education Act Amendments of 1997; and

11 WHEREAS, Although Congress has made progress toward this
12 goal, the federal contribution still only amounts to approximately
13 20 percent of the average per pupil expenditure; and

14 WHEREAS, The 40 percent federal funding level would result
15 in California receiving in excess of an additional \$1 billion
16 annually; and

17 WHEREAS, The cost of special education in California
18 requires school agencies to spend over \$1 billion annually in local
19 general funds to make up the shortfall between the costs of special
20 education and the level of funding provided by the state and federal
21 governments; and

22 WHEREAS, Since 1997, the state has used federal special
23 education funding increases to provide equity adjustments to
24 school agencies consistent with the new special education funding
25 model provided in Assembly Bill 602 of the 1997-98 Regular
26 Session (Chapter 854 of the Statutes of 1997) and other special
27 education augmentations; and

28 WHEREAS, The California Legislature is committed to the
29 continued use of increases in federal funding for special education
30 to recognize special education funding commitments made to
31 local education agencies; and

32 WHEREAS, The California Legislature is extremely concerned
33 that, since 1978, Congress has not provided states with the full
34 amount of financial assistance necessary to achieve its goal of
35 ensuring children and youth with disabilities equal protection of
36 the law; now, therefore, be it

37 *Resolved by the Assembly and Senate of the State of California,*
38 *jointly,* That the Legislature respectfully memorializes the
39 President and Congress of the United States to provide the full 40
40 percent federal share of funding for special education programs so



1 that California and other states participating in these critical
2 programs will not be required to take funding from other vital state
3 and local programs in order to fund this underfunded federal
4 mandate; and be it further

5 *Resolved*, That the Chief Clerk of the Assembly transmit copies
6 of this resolution to the President and Vice President of the United
7 States, to the Speaker of the House of Representatives, to the
8 Majority Leader of the Senate, to the Chair of the Senate
9 Committee on Budget, to the Chair of the House Committee on the
10 Budget, to the Senate Committee on Appropriations, to the Chair
11 of the House Committee on Appropriations, to each Senator and
12 Representative from California in the Congress of the United
13 States, and to the United States Secretary of Education.

